File #: 140417, **Version:** 0

Authorizing the Director of Finance to establish a Free Library Programs and Facilities Fund in which revenue generated from competitively awarded agreements for the use of areas or facilities in the Free Library system may be deposited for use to pay expenses for programs and facilities in the Free Library system, under certain terms and conditions.

WHEREAS, The City of Philadelphia created the Trustees of the Free Library of Philadelphia (the "Trustees") by ordinance approved December 31, 1894;

WHEREAS, Commonwealth Act 398 of July 20, 1917 (the "1917 Act"), Section 9, provided that "the affairs of [the] public libraries… shall be under the exclusive control of a board of library directors….";

WHEREAS, The 1917 Act provided in Section 16 that, "All moneys appropriated for the establishment or maintenance, or both, of a free, public, nonsectarian library, *and all moneys, if any, received from other sources for its use*, shall be under the exclusive control and shall be disbursed under the direction of the board of library directors….";

WHEREAS, At the time The Philadelphia Home Rule Charter was enacted in 1951, the 1917 Act governed the Trustees' powers and duties;

WHEREAS, Home Rule Charter Section 4-800, provides, "Subject to the provisions of this Charter, the Board of Trustees of the Free Library of Philadelphia shall exercise the powers and perform the duties vested in and imposed upon it by statute or ordinance";

WHEREAS, The Trustees and City officials want to supplement City appropriations for the Free Library;

WHEREAS, The City intends to create a dedicated fund for certain revenue generated in the Free Library system to be used for library-related facilities and programs;

WHEREAS, The Trustees award competitive, revenue-generating agreements for the use of areas and facilities in the Free Library system; and

WHEREAS, The City can supplement the Free Library's budgetary requirements by using revenue generated from competitively awarded agreements regarding areas and facilities in the Free Library system; now, therefore

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. The Director of Finance is authorized by this Ordinance to establish a Free Library Programs and Facilities Fund (the "Fund").

SECTION 2. The Board of Trustees of the Free Library of Philadelphia (the "Trustees") shall deposit in the Fund revenue generated from competitively awarded agreements for the use of areas and facilities in the Free Library system as may be approved for each fiscal year by the Director of Finance as appropriate for Fund deposits.

SECTION 3. The Trustees are authorized to spend money from the Fund, as well as any interest earned on those funds as calculated by the City Treasurer, to pay expenses for programs or facilities in the Free Library system.

SECTION 4. By September 30 of each year, or at any other times as the Director of Finance may require, the Trustees shall submit to the Director of Finance and City Council an accounting of deposits into and expenditures from the Fund for the most recently completed fiscal year. By January 1 of each year, the Trustees shall submit to the Director of Finance and City Council an accounting of deposits into and expenditures from the Fund for the then-current fiscal year, as well as projected revenue for and anticipated expenses from the Fund for the remainder of the then-current fiscal year and for the following fiscal year. The Trustees shall prepare their reports in a form and to the extent acceptable to the Director of Finance.

SECTION 5. This Ordinance is effective with respect to revenues generated and expenditures incurred on or after July 1, 2014, and only to the extent authorized in the annual operating budget ordinance.

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